APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,301	09/03/2003	Steven J. Ross	GP-303673/GP-303674 (2760	4415

7590 07/06/2007	EXAMINER
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ART UNIT	PAPER NUMBER
3661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/654,301	ROSS ET AL.
	Examiner	Art Unit	
	Thu Nguyen	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-16 and 18-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3-6,13 and 15* is/are allowed.

6)☒ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *8-10, 18-20, 22, 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The amendment filed on April 17, 2007 has been entered. By this amendment, claims 7

and 17 have been canceled, claims 22-24 have been added and claims 1-6, 8-16, 18-24 are

now pending in the application.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

In claim 23, line 1, the limitation "the download requirement" lacks of antecedent basis.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   Claims 1-2, 11-12, 14, 16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Knobl et al (US 7,039,708) in view of Yassin et al (US 6,505,780) and further

in view of Mocek et al (US 2003/0182360).

As per claim 1, Knobl discloses a method for providing vehicle settings to a telematics

unit 40 (fig.1) in a mobile vehicle (col.8, lines 30-43). Knobl does not explicitly disclose

receiving a vehicle settings update signal at a call center from the telematics unit, sending

vehicle settings from the call center to the telematics unit responsive to the update signal, and

storing the vehicle settings when the download status of the telematics and associated

components is negative, and transmitting the vehicle settings when the telematics unit and

associated components is positive. However, Knobl teaches the capability of providing vehicle

settings from a call center 30 (fig.1) to the telematics 40 (fig.1) (col.5, lines 27-36; col.8, lines

30-44) including providing updated setting (the next user's settings) to the telematics (col.8,

lines 30-44). Moreover, Yassin suggests receiving a vehicle settings update signal (the driver ID

sent from the vehicle) at a call center (col.5, lines 43-46, lines 50-53); and sending vehicle

settings from the call center to the vehicle responsive to the update signal (col.5, lines 50-53;

col.7, lines 9-21), and since Mocek teaches transmitting the vehicle settings at a specific

telematics conditions (para 0008, 0025, 0047-0048, 0035-0036), Mocek obviously

encompasses teaching storing the vehicle settings when the download status of the telematics

and associated components is negative, and transmitting the vehicle settings when the

telematics unit and associated components is positive. It would have been obvious to a person

of ordinary skill in the art at the time the invention was made to includes the step for providing

the vehicle settings upon receiving the request (represented by the ID sent from the vehicle) as

taught by Yassin to the method taught by Knobl, and to download or store the vehicle settings

according to the status of the telematics unit and its compoents as suggested by Mocek in order

to save the system bandwidth by providing vehicle settings only upon request and to ensure that

vehicle settings is properly received at the telematics .

As per claim 2, Yassin teaches implementing the vehicle settings in the mobile vehicle

(col.6, lines 60-64).

As per claim 11, claim 11 discloses subject matter similar to the details discussed in

claim 1, refer to discussion in claim 1 above.

As per claim 12, claim 12 discloses subject matter similar to the details discussed in

claim 2, refer to discussion in claim 2 above.

As per claim 14, Knobl teaches receiving a user preference at a call center via a web

portal interface prior to the call center sending the user preference to the telemetric unit (col.8,

lines 30-43).

As per claim 16, Since Knobl teaches a telematic unit that is capable of accepting

applets and performing communication with the server (col.7, lines 41-49), Knobl obviously

encompasses teaching an active telematics.

As per claim 21, claim 21 discloses subject matter similar to the details discussed in

claim 1, refer to discussion in claim 1 above.

As per claim 23, Mocek teaches well known download requirements in which the

telematics is active (para 0008) and further teaches the ability to add, delete or modify the

preferences at the telematics (para 0008), moreover, determining if the components of the

telematics if in modifiable state before downloading data would have been both well known and

obvious. One of ordinary skill in the art would have found it obvious to include the requirements

that the telematics component be in modifiable state before downloading data to the telematics

because including the requirement are known to be necessary in order to prevent data lost and

to save the transmission bandwidth when the telematics components cannot accept

downloaded data.

Allowable Subject Matter

5.   Claims 3-6, 13, 15 are allowed.

6.   Claims 8-10, 18-20, 22 and 24 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

7.   The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a method disclosed in claims 3-6, 13, 15 or in claim 1

in combination with claim 8-9, or 10 or 18-19, or 20 or 22 or 24 in which the call center sends an

update flag signal from the call center to the telematics unit prior to the telematics unit sending a

vehicle settings update signal to the call center as taught in claim 3 or 5. Also, prior arts of

record does not disclose determining download status of the telematics unit and associated

components based on the download reply from the telematics unit which transmits the download

reply in response to the download requirement transmitted to the telematics unit as taught in claim 8; Moreover, prior arts of record do not disclose determining store status for the vehicle settings when the download status of the telematics unit and associated components is negative, and either storing or deleting the vehicle settings according to the positive or negative store status as taught in claim 10. Claims 13, 14-15, 18 or 20 disclose similar method to be implemented in a computer readable medium.

Response to Arguments

8.   Applicant's arguments filed April 17, 2007 have been fully considered but they are not persuasive.

        In response to applicant's argument on pages 9-10, in paragraphs 0047-0048 Mocek teaches synchronizing the preference server with the manager for transmitting data when the telematics is in a sleep mode, and in paragraph 0035-0036, Mocek teaches synchronizing the preference server with the manager of the telematics for transmitting data when the vehicle is started up (which implies the telemetics is on), Mocek further teaches transmitting preference setting data to the telematics under certain condition of the telematics (para 0008, 0025, 0047-0048, 0035-0036), it is therefore obvious and just a matter of design choice to an ordinary person skilled in the arts to select transmitting data between the server and the telematics at certain condition of the telematics or of its components when the ability to recognize the condition (the sleep mode, the start up) of the telematics is available (para 0008, 0025, 0047-0048, 0035-0036).
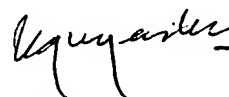
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 22, 2007

THU V. NGUYEN
PRIMARY EXAMINER